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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on April 7, 2009

Date of Meeting: November 18, 2008

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m., on Tuesday, November 18, 2008, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Mike Letcher	Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Mark Sorensen, Tucson Water Department, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Vice Mayor Uhlich, proclaimed November 28, 2008, to be “Buy Local Day.” Lizette Mars, Local First Arizona, accepted the proclamation.
- b. Mayor Walkup presented the 2008 Agency Award for Excellence to the City of Tucson’s Human Resources Department. Cindy Bezaury accepted the award.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager’s communication number 605, dated November 18, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Romero announced Ward 1 would be hosting a Town Hall on the City Budget on November 19, 2008, where staff would give a brief presentation and be available for questions.
- b. Council Member Trasoff announced that Pima County and the U.S. Department of Housing and Urban Development (HUD) were offering free certified housing counseling through a program called “Don’t Borrow Trouble.” She said there were nine agencies in the community that were certified to assist struggling homeowners having financial difficulties all at no charge.
- c. Council Member Glassman reminded the community the El Tour de Tucson event would be held November 22, 2008.
- d. Mayor Walkup announced that November 14, 2008, was his seventy-second birthday, and he planned to lead the family ride of El Tour de Tucson along with some of the Council Members. He encouraged the community to get their bikes out and join the magnificent event.

## **4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager’s communication number 606, dated November 18, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 607, dated November 18, 2008, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

### b. Liquor License Applications

#### New License(s)

1. Enoteca Pizzeria Wine Bar, Ward 1  
58 W. Congress St.  
Applicant: Thomas Robert Aguilera  
Series 12, City 68-08  
Action must be taken by: November 22, 2008

Staff has indicated the applicant is in compliance with city requirements.

2. Hilton Garden Inn Tucson Airport, Ward 5  
6575 S. Country Club Rd.  
Applicant: Michael Ronald Scaffidi  
Series 11, City 69-08  
Action must be taken by: November 23, 2008

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

### c. Special Event(s)

NOTE: There are no special events scheduled for this meeting.

### d. Agent Change/Acquisition of Control

1. Residence Inn by Marriott, Ward 2  
6477 E. Speedway Blvd.  
Applicant: Steven Mark Ryan  
Series 7, City AC5-08  
Action must be taken by: November 24, 2008

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

## **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Reverend Servant Bishop Chicago spoke about supporting local vendors in Tucson and the amount of illegal drugs in the community. He declared the Sun Tran bus drivers, the Tucson Police Department, and Tucson Fire Department the best in the world.
- b. Chris Early thanked the Mayor and Council for supporting “Buy Local Day.” She referred to the *Downtown Tucsonan* magazine that partially listed the downtown merchants that would be open the day after Thanksgiving.
- c. Joe Sweeney spoke about immigration issues and the Immigration and Naturalization Act.
- d. Richard DeBernardis thanked City staff, the Tucson Police Department, University Medical Center, Diamond Ventures, and the Tucson community for allowing the El Tour de Tucson event to proceed. He announced that Council Member Glassman would also be singing the national anthem at the beginning of the event.
- e. Kyle Kadous, Boy Scout Troup 250, thanked the Mayor and Council for their support for the memorial shelter to honor fallen Tucson Police Officer Erik Hite and the Pima County Sheriff Deputies injured in that tragic event. He also thanked the Powder Horn Neighborhood for contributing the land on which the memorial was placed.

## **7. CONSENT AGENDA – ITEMS A THROUGH O**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A.     **PARKS AND RECREATION:  AMENDING THE 2001 MASTER PLAN FOR THE MORRIS K. UDALL REGIONAL PARK**
1.     Report from City Manager NOV18-08-613  WARD 2
  2.     Resolution No. 21141 relating to Parks and Recreation; amending the Morris K. Udall Regional Park – 2001 Master Plan; and declaring an emergency.
- B.     **REAL PROPERTY:  ACQUISITION OF RIGHT-OF-WAY FOR THE PARK PLACE DRIVE AND WILMOT ROAD INTERSECTION IMPROVEMENTS**
1.     Report from City Manager NOV18-08-610  WARD 6
  2.     Resolution No. 21142 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at Park Place Drive and Wilmot Road for completion of intersection improvements; and declaring an emergency.
- C.     **PUBLIC IMPROVEMENT:  NOGALES HIGHWAY, IRVINGTON ROAD TO DREXEL ROAD DISTRICT STREET LIGHTING IMPROVEMENT**
1.     Report from City Manager NOV18-08-618  WARD 5
  2.     Resolution No. 21144 relating to Transportation: fixing the time when Mayor and Council of the City of Tucson will hear and pass upon the assessments and proceedings theretofore had and taken for the improvement known as the “Nogales Highway, Irvington Road to Drexel Road District Lighting Improvement” in the City of Tucson, Arizona.
- D.     **FINAL PLAT:  (S07-190) BLACKLIDGE CONDOMINIUMS, UNITS 1 TO 8, COMMON ELEMENTS “A” TO “D” AND LIMITED COMMON ELEMENTS “1” TO “8”**
1.     Report from City Manager NOV18-08-615  WARD 3
  2.     Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E.     **REAL PROPERTY:  APPROVING A LEASE AGREEMENT WITH OLD PUEBLO TROLLEY, INC. FOR PROPERTY LOCATED AT 10 NORTH PARK AVENUE**
1.     Report from City Manager NOV18-08-612  WARD 6

2. Ordinance No. 10603 relating to Real Property; authorizing and approving the lease of certain City owned real property located at 10 North Park Avenue to Old Pueblo Trolley, Inc.; and declaring an emergency.
- F. LICENSE AND CONCESSION AGREEMENT: WITH TUCSON TOROS, LLC FOR USE OF HI CORBETT STADIUM
1. Report from City Manager NOV18-08-609 WARD 6
  2. Resolution No. 21145 relating to parks and recreation; approving and authorizing execution of a License and Concession Agreement between the City of Tucson and Tucson Toros, LLC; and declaring an emergency.
- G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO LEND A HAND SENIOR OUTREACH, INC. FOR ASSISTING SENIORS WITHIN WARD 3
1. Report from City Manager NOV18-08-621 WARD 3
  2. Resolution No. 21146 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 3 Council Office, Community Support Fund, Account No. 001-183-1898-268, to Lend A Hand Senior Outreach, Inc. to assist seniors within the Ward III neighborhoods; and declaring an emergency.
- This is a request by Vice Mayor Uhlich. Allocation of funds is as follows:  
Vice Mayor Uhlich - \$100.00
- H. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PROVISION OF ALTERNATIVE FUELS
1. Report from City Manager NOV18-08-622 CITY-WIDE
  2. Resolution No. 21147 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Provisions of Alternative Fuels; and declaring an emergency.
- I. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SCIENTEK-12 FOUNDATION FOR THE 2009 SOUTHERN ARIZONA REGIONAL SCIENCE AND ENGINEERING FAIR
1. Report from City Manager NOV18-08-619 MAYOR AND WARD 2
  2. Resolution No. 21148 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Mayor's Office and One Hundred Dollars (\$100) from the Ward 2 Council Office Community Support

Fund, Account No. 001-183-1898-268, to the SciEnTek-12 Foundation to help support funding the 2009 Southern Arizona Regional Science & Engineering Fair; and declaring an emergency.

This is a request by Mayor Walkup and Council Member Glassman. Allocation of funds is as follows:

Mayor Walkup - \$250.00

Council Member Glassman - \$100.00

Roger W. Randolph, City Clerk, announced that the resolution had been amended at Study Session to reflect the contribution of \$250 from Mayor Walkup.

J. APPROVAL OF MINUTES

1. Report from City Manager NOV18-08-627 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on October 7, 2008.

K. AGREEMENT: APPROVING AN AMENDED AND RESTATED MASTER OPERATING AGREEMENT AND A LEASE AGREEMENT WITH THE TUCSON COMMUNITY CABLE CORPORATION

1. Report from City Manager NOV18-08-611 CITY-WIDE
2. Resolution No. 21150 relating to outside agency activities; authorizing and approving the Amended and Restated Master Operating Agreement and Lease Agreement for 124 E. Broadway with Tucson Community Cable Corporation ('TCCC') dba Access Tucson; and declaring an emergency.

L. AGREEMENT: WITH OLD PUEBLO TROLLEY TO COVER INSURANCE COSTS FOR THE HERITAGE TRANSIT VEHICLE OPERATIONS

1. Report from City Manager NOV18-08-624 CITY-WIDE
2. Resolution No. 21151 relating to transportation; authorizing and approving the execution of an agreement between the City of Tucson and Old Pueblo Trolley Inc. for the provision of insurance; and declaring an emergency.

M. COMMUNITY SERVICES: APPROVAL OF THE HOUSING AND ECONOMIC RECOVERY ACT NEIGHBORHOOD STABILIZATION PROGRAM

1. Report from City Manager NOV18-08-625 CITY-WIDE

N. FINAL PLAT: (S08-092) EL DORADO OFFICE CONDOMINIUM, UNITS 101 TO 112, 201 TO 212, 301 TO 315 AND LIMITED COMMON ELEMENTS “A”, “B”, “C”, WITH COMMON ELEMENT “D”

1. Report from City Manager NOV18-08-614 WARD 2
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

O. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR THE ESTABLISHMENT OF A JOINT ENTERPRISE ZONE COMMISSION

1. Report from City Manager NOV18-08-623 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21152 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement with Pima County, the City of South Tucson, the Town of Marana and the Town of Sahuarita; providing for the establishment of a Joint Enterprise Zone Commission; and declaring an emergency.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through O, including the amendment to Item I, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff said she did not want to pull the item, but wanted to comment that within a week, when it appeared that Tucson might lose one of its professional baseball teams, they could celebrate that one of the items being approved would bring back the historic Tucson Toros as an independent league, and Tucson would have a first class baseball team in the middle of town again. She thanked Jay Zucker for pushing the item, and Fred Gray, Tucson Parks and Recreation Director, for working with him. She announced baseball would be coming back to Tucson this summer.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through O, including the amendment to Item I, were declared passed and adopted by a roll call vote of 7 to 0.



**8. PUBLIC HEARING: ALTERNATIVE ALIGNMENT REPORT FOR 22ND STREET BETWEEN KINO PARKWAY AND TUCSON BOULEVARD AND ACQUISITION OF REAL PROPERTY LOCATED ALONG 22ND STREET**

(NOTE: Council Member Glassman departed at 6:18 p.m.)

Mayor Walkup announced City Manager's communication number 629, dated November 18, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Alternative Alignment Report for 22<sup>nd</sup> Street between Kino Parkway and Tucson Boulevard. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup stated, before the public hearing would begin, staff would make a brief presentation.

Jim Glock, Transportation Department Director, announced that there were two public hearings scheduled on the agenda for adoption: the Alternative Alignment Report for 22<sup>nd</sup> Street between Kino Parkway and Tucson Boulevard, and the Alternative Alignment Report for the Kino Parkway and 22<sup>nd</sup> Street Overpass Project. While the Kino/22<sup>nd</sup> Street Interchange Project planning efforts began before the 22<sup>nd</sup> Street/Kino Parkway to Tucson Boulevard Project, both projects were part of the Regional Transportation Authority (RTA) plan for the 22<sup>nd</sup> Street Corridor. Mr. Glock said the first hearing was for the 22<sup>nd</sup> Street/Kino Parkway to Tucson Boulevard Project. The improvement would include building a new bridge over the Union Pacific Railroad and increasing the number of traffic lanes from four to six.

(NOTE: Council Member Glassman returned at 6:20 p.m.)

Mr. Glock thanked the Citizen Advisory Committee for the hours of work that was spent preparing that particular document. The Alternative Alignment Report represented their recommendations to Mayor and Council on the projects. He recognized the members of the Citizen Advisory Committee and applauded them for their efforts. Mr. Glock explained that the scope of the Technical Advisory Committee and the Citizen Advisory Committee for the overpass project was expanded to provide oversight to the east end improvements. To date, they had held three open houses, seven Technical Advisory Committee meetings, nineteen Citizen Advisory Committee meetings, six neighborhood meetings, thirty-six individual property owner meetings, and one real estate forum. He said it should be noted that all the comments sent to the Citizen Advisory Committee, along with the minutes of all the meetings, were official records and part of the report, and would be given due consideration during the next phase of the project.

Mr. Glock said the recommended alternative called for the construction of a new bridge over the Barraza Aviation Parkway and Union Pacific Railroad, north of the existing aging structure. Although the Citizen Advisory Committee received comments regarding billboards, the recommended alignments did not target or avoid billboards. The signs located within the recommended alignment that did not conform to the existing code, would alternatively be removed. They also could not be relocated unless brought into full code compliance, which was consistent with Tucson City Code and Policy. He said the alignment would allow half of the bridge to be built at a time, facilitating traffic flow during the construction. Traffic would then be shifted to the new structure with narrower lanes, while the older structure would be demolished and the second half of the new bridge built.

Mr. Glock said they followed the process stipulated in the Mayor and Council's Roadway Development Policies and prepared the Alternative Alignment Report accordingly. The report contained the recommended alternative that was unanimously endorsed by both the Technical Advisory Committee and the Citizen Advisory Committee. The letter of support from the Citizen Advisory Committee was also contained in the report. He said the next step would be to prepare an Environmental Design and Mitigation report before moving into the design phase. This report would detail lane widths, landscaping, public art, bicycle and pedestrian improvements, and buffering treatments, as well as other features. It would also identify any additional right of way needs not presently contemplated at the conceptual level of the recommended alignment.

Mr. Glock said, with the approved alignment, RTA funds for advanced property acquisition would be sought. It was the request of the property owners that the acquisition process begin as soon as possible. The RTA funding for construction of this particular project would become available in the year 2012, and it was anticipated that construction would actually start in the year 2014.

Mayor Walkup called on the first speaker.

Wright P. Thomas said he did not have much to say, except that he had worked on a lot of endeavors in his short life, which was about four years longer than the Mayor's. He said he had never worked with a group that was more dedicated and had worked harder to put that project together. From Mr. Glock, right on down, everyone in the group was wonderful to work with, and no matter what their position was, they had done a Herculean job. He wanted to thank everyone involved.

Les Pierce wished Mayor Walkup a happy birthday, and said she lived a mile outside of the intersection project, which was not far from the 22<sup>nd</sup> Street widening. She said she was the President of the Arroyo Chico Neighborhood Association and part of its southern boundary was on the northern edge of where 22<sup>nd</sup> Street would be widened, so she brought three perspectives to the Citizen Advisory Committee process. She said, as a full time bike commuter of many miles and many years, she appreciated that there were going to be wider bike lanes and better bicycle access on the 22<sup>nd</sup> Street widening.

Anyone who tried to bike over the existing railroad bridge knew that bike lanes would be welcomed. She also said she was excited to hear about the pedestrian amenities that would be on the north and south side of 22<sup>nd</sup> Street as part of the widening project being considered. It would allow pedestrians and bicyclists to have a more pleasant experience walking along and increasing circulation from and within her neighborhood. As a neighborhood association president, she appreciated that consideration was also given to the neighborhoods just above 22<sup>nd</sup> Street. She said there was a lot of industrial traffic that went up Tucson Boulevard and through the neighborhoods to get to the industrial area. It was her understanding that the intersection at Plumer Avenue would have a much wider turn, so hopefully, the industrial traffic would be taken out of neighborhoods and more directly sent toward the industrial areas where it should go. This would save drivers some time, as well as save the neighbors a little noise and a little hassle.

Ms. Pierce said she attended the open houses and the forum on the real estate acquisition process, because some of her constituents would be affected along 22<sup>nd</sup> Street. Everything she heard about that process was fair and well thought out. A lot of the questions were heard and answered. She said she wanted to make a plug for people who would be relocating. There were other beautiful houses available in the Arroyo Chico neighborhood that were vacant and the residents would like to see those homes occupied, and that would be a win-win for everyone.

Ms. Pierce added that the outreach was top notch. She said when neighborhood newsletters were sent out, she was often beat to the punch by the notices sent out to her constituents by the project team. She said she appreciated the backup on keeping everyone informed. As an individual participating in the Citizen Advisory Committee, she learned a lot about the technical things that went into designing a project of this scale. As she learned about the public process, it increased her respect for the team, the process, and everyone involved. She thanked the Mayor and Council for listening to her comments.

David Bachman-Williams addressed the City leaders and thanked them. He mentioned he always enjoyed working with Mr. Glock. He also thanked the Citizen Advisory Committee that worked on the project. He said, as someone who sat on two other Citizen Advisory Committees, he was aware of the volunteered time and effort that went into a project and appreciated all the work that was done on the project.

Mr. Bachman-Williams said he was present on behalf of the Downtown/University Bicycle Subcommittee of the Tucson/Pima County Bicycle Advisory Committee. He said his committee looked at the plans and overall they were very happy with them. It did improve things enormously for bicyclists and for other people too. He said he had one thing he wanted to recommend to the ongoing Citizen Advisory Committee in terms of lane widths. He said the Grant Road project, which was further along, allowed for eleven-foot traffic lanes and much wider bicycle lanes, which were six feet wide with a one-foot buffer lane. He said, while it had not been talked about in this design, he recommended the same standard be used for this project and for the widening of 22<sup>nd</sup> Street, all the way to the freeway. One reason was, if eleven-foot

lanes were used, instead of the twelve- or thirteen-foot lanes, traffic would be slowed down. Every community that experimented with narrowing lanes realized the main effect was to slow down traffic. The average speed of traffic dropped dramatically, and that made traffic safer for everyone - for motorists, bicyclists, and pedestrians. That was all part of acting in a multi-modal way in society. He said, for example, in 1968, the Netherlands decided their primary goal was to reduce traffic deaths. They accomplished that by slowing down traffic, then they increased and improved bicycle facilities and mass transit. They managed to take an average death rate of three thousand people a year, which was comparable to ours on a percentage basis, and reduced it to under eight hundred a year. That was a seventy-five percent drop, and slowing speeds was a very vital part of that. He urged the Council to narrow traffic lanes and widen bicycle lanes, which was also the advice of the subcommittee.

Jamey Sumner thanked the Mayor and Council for letting him speak. He said he sat on the Citizen Advisory Committee and it was a wonderful project. It was something the City needed and it was also needed for the future connection of Aviation 2010. He said they were looking forward to it. Mr. Sumner said he also represented CTAC (Citizen Transportation Advisory Committee) for the City of Tucson. He had been part of the committee for eight years and had been especially looking forward to this project. CTAC endorsed the alternative alignment and was seeking the Council's endorsement as well. He thanked everyone that was in association with the project and the project that would follow this one. He said CTAC had endorsed that project as well.

Mark Mayer said he just realized he had not visited a Mayor and Council meeting since Council Members Glassman and Romero had been sworn in. He said he had some comments on the Alternative Alignment Report that were more critical and less rosy regarding the process. He said he thought the Citizen Advisory Committee undoubtedly had worked very hard. They vetted many issues in need of scrutiny, and did a good job on that.

Mr. Mayer said he first wanted to talk about public outreach. He commented the outreach was very well done. He said he was on the mailing list since the previous January and received all the mailings and e-mails dutifully, all the way up until this public hearing. However, there was no notification to the mailing list of this public hearing, which made it difficult to express opinions to the Mayor and Council.

Mr. Mayer said, secondly, he wanted to talk about the Alternative Alignment Report. He said a specific outline for that report was provided for in the Roadway Development Policies, but what was before the Council also included a section in both the Executive Summary and in the text of the report on public outreach that was not provided for in the outline. He said the point was not whether it was in there, but that what was being included, and did not relate directly to the choice of alignment, were a number of very valid bullet points on certain issues raised by members of the community, but it did not include the other issues. He said he thought Mr. Glock's report may have alluded to the fact that all comments would be considered when the Environmental Design and Mitigation Report was done and that was refreshing to hear. He did not think

any favoritism to the different kinds of issues that were raised, should be included in the Alternative Alignment Report and he requested that the Council delete the four bullet points and the lead-in phrase.

Mr. Mayer said another issue he wanted to address was the kind of information that people got and said he would simply put it under transparency. He met with Mr. Glock the day before and they talked about it. Mr. Mayer appreciated being extended an invitation to meet with Mr. Glock and others if they felt they were not getting the proper information. Mr. Mayer said it was also important to know that during a big open house the previous January, he went around to four different relevant easels and tables and asked a simple question regarding the alignments on the bridge. In other words, the right of way width, so everyone could actually look at the big maps like the City had, be able to make some kind of assessment, then make comments on which alignment was the best one. He said he could not get an answer from anybody, and finally at the last table, he commented that there were standard design lane widths and so forth. He said he suggested everyone get out their pencils and pads to see if they could conjure something up, and that was what it came down to.

Mr. Mayer said, regarding the choices that would be voted on, both had to do with deciding on an alignment and two critical factors. One factor was the construction cost of the bridge, and the relative right of way acquisition cost on the north and south sides of the bridge. He said, due to the good graces of Council Member Leal's office, he was able to work with one of his Aides. Mr. Mayer made a request regarding the differences in the one through four ratings, and they were not very detailed ratings. He said he did not get anything back on that request. He said the pat answers that were given a lot of times were that they were just details to be considered in the future. He said as projects developed, more details got produced, but he said judgments could not be made without some estimations. What he was asking for, in that regard, was to see more information like estimated costs and right of way acquisition estimations. He said somebody was making decisions based on some of that kind of information even if it was preliminary. However, that information did not seem to appear on the record and certainly was not in the Alternative Alignment Report, although the engineer talked about some of the mass of the bridge getting progressively greater as it moved south, increasing the cost. He said that was his one criticism on that subject, and he heard the same criticism regarding the other section on 22<sup>nd</sup> Street, from a counterpart of his who was very experienced in planning and transportation issues, and was not able to get right of way width estimations regarding 22<sup>nd</sup> Street in the Santa Rita Park Neighborhood. Mr. Mayer asked for something to be done to send a friendly message to City administration, that citizens were going to be working on these issues and asked to comment at open houses, through letters or other mechanisms, and this information should be provided. Lastly, he said there was a right of way acquisition authorization issue that he sent via e-mail to a number of City staff. He asked the City to give that issue some consideration as well.

Mayor Walkup asked if there was anyone else wishing to be heard on this item.

There was no one.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21153 by number and title only.

Resolution No. 21153 relating to transportation; approving the Alternative Alignment Report for 22<sup>nd</sup> Street between Kino Parkway and Tucson Boulevard Project; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property necessary for the project; and declaring an emergency.

Mayor Walkup recognized Council Member Leal.

Council Member Leal said he wanted to begin by thanking the community, City staff, the various neighborhood associations, and the Citizen Transportation Advisory Committee (CTAC), who had been involved with this project for some time. It had been a very detailed arduous process, and was a very constrained piece of geography that was very hard to figure out. He said some of them remembered that if it were not for this project, the Aviation Corridor in downtown would have been eight lanes wide, would have demolished forty historic structures, and downtown would have been divided in two forever. Council Member Leal said it was fascinating to think how small projects could affect each other and was to the Council's credit that they understood that.

Council Member Leal said he wanted to comment on a couple of things. It was clear, and needed to be said again, that the mitigation process would be thought through from that point forward, so the neighborhood south of 22<sup>nd</sup> Street, regarding the noise walls, and other mitigations, would be addressed satisfactorily in that phase. He said he also appreciated the extra work staff did for the neighborhood to the north. There were a couple of Saturdays staff spent driving around, trying to figure out how to temper traffic. They were able to figure that out and it was very helpful to the northern neighborhood. He said when South Sixth Avenue was designed years ago, there were two important variables: the geometry of the street lights had to accommodate rail for the future, and the bike lanes had to be six feet wide, not five. He said Mr. Bachman-Williams was exactly right by saying that six-foot bike lanes were needed and not just for safety reasons. Mr. Bachman-Williams was also right to bring up the need for bike lanes to continue to I-10. He said the area near Kino was more commercial, up to a little east of there, but if one headed west, there were a lot of tight neighborhoods, City parks, and children running back and forth. Traffic needed to be slowed down to be safer for the bicyclists and the City could guarantee those bike lanes would be six feet wide. He said there would be additional looking at acquisition in more detail as the project moved forward. He also realized there were questions about the Pinkus property and whether or not it was needed. He said he was not sure if there was any final word yet.

Council Member Leal said, to the Mayor's credit, there had been conversations with a business owner close to the University of Arizona warehouse which could preempt the City's need for that warehouse. That could create an opportunity to build the pedestrian crossovers needed to the West, for children and families to safely get to the park, and that money would be helpful. He told Mayor Walkup it would be wonderful if the City could make that happen.

Council Member Leal said Mr. Mayer mentioned full disclosure and that the notification and participation were wonderful. If it was true there was no mail out regarding the public hearing, he said in the future, they would lean on the side of more detail. He said as the public became more involved, that created more curiosity and requests for information, and it went with the territory. The public should be given more information in detail, such as costs, dimensions, etcetera. The information was available for the City and it should be provided to the public in all projects. He asked Mr. Glock if he had anything to say regarding the Pinkus situation, billboards, the detail information for the public, or anything else.

Mr. Glock said the next phase, moving into the Environmental Design Mitigation Report was where the Citizen Advisory Committee, even though they had been working very hard to date, would really have to roll up their sleeves and work on all issues down to the foot, and would assist in guiding the project as it moved forward. The preliminary work and the nature of the preliminary alignment setting did not require that level of detail, expense or effort. He said however, the next phase would certainly call for it, and said he would be looking forward to working with Citizen Advisory Committee on those details.

Council Member Trasoff thanked Council Member Leal and the Citizen Advisory Committee for all the work that was completed on the project. She said everyone did a great job. She was really pleased with the alternative and said they were very creative to come up with something, but she had a few questions. She commented that Council Member Leal mentioned the bike lanes should be six feet, which was very high on her list. She addressed Mr. Glock and said that in the book, it was the typical section for both the bridge and for 22<sup>nd</sup> Street. She was very concerned about the bike lanes being six feet and she preferred the bike lanes be six feet, with the one foot division. She said if Grant Road deserved it, 22<sup>nd</sup> Street also deserved it, and it was critically important. Council Member Trasoff asked Mr. Glock if it was the typical section that was being approved.

Mr. Glock said the typical cross section that the Citizen Advisory Committee was asked to consider as they were setting the alignment, was the worst-case scenario cross section they would need to accommodate. He said as they again learned how to do corridor studies, since it had been over a decade when the last one was done and as they saw with the Grant Road Corridor work, sometimes the need to move into the more detailed design work as opposed to the sequential process as outlined in the Roadway Development Policies, as these particular projects were following, called for having discussions earlier on. By recommending this particular alternative, they were not recommending the typical cross section, and they would give the Citizen Advisory

Committee the leeway to do that. He said, at the end of the day, the functionality of the roadway to accommodate six lanes of traffic, bike lanes, and all the challenges associated with the bicycle and pedestrian access, were issues the Citizen Advisory Committee would be asked to tackle.

Council Member Trasoff said she thought it was important, and it came out in the Grant Road process, as well as in this process, that the roadway would not become a mini freeway. She said the comments about calming traffic were very important, especially near Carrillo Elementary School and other schools, where many children crossed 22<sup>nd</sup> Street. She would really be pushing and hoping for an eleven-foot lane because that would give the kind of speed needed, or lack thereof. She said she would be upset if something got approved that ended up a gash between the south side and the rest of the community. She understood Mr. Glock's comment about it being the worst-case scenario and did not want to entertain that option if possible. She said the bike lanes issue went back to the Platinum Challenge and the need to go the extra mile to move from gold to platinum was very important.

Council Member Trasoff said she had another question that was indicated in the report as being in the future. She asked if the Council should be looking at how the access from Barraza-Aviation Parkway would be made onto the new overpass. She said one of the reasons for the overpass, and why she was hoping it could be pushed up sooner rather than later in the process with the RTA, was so traffic could exit west bound Barraza-Aviation Parkway on to 22<sup>nd</sup> Street, then continue to the freeway, rather than going to downtown, through downtown, or even up the downtown links. She realized it was down the road, but asked if there was any way it could be planned and included as part of the process, rather than having it be a separate process.

Mr. Glock said he did not see any problem with Council Member Trasoff's suggestion. He said he certainly knew that the bridge itself would be designed to be able to accommodate the future connections. Those options should be explored and then returned to the RTA to see whether they would allow moving that planning effort forward in the overall 22<sup>nd</sup> Street corridor development timeline. He said they just had their first Citizen Oversight Committee meeting regarding the 22<sup>nd</sup> Street, Kino to I-10 project. He said they would be contemplating all the issues in respect to maintaining mobility along the corridor as well as the pressures they had in getting across the corridor. That element was an appropriate one to consider, because it had implications on the amount of traffic that would be drawn to use that particular corridor.

Council Member Trasoff said it was one of her concerns and agreed that it was more expensive to build those ramps, but it would save the City in construction costs if both could be completed together and eventually, those ramps would be built. She said her final question was regarding bus pullouts between the overpass and Tucson Boulevard. She said she wanted to make sure, and although she did not know exactly where the bus stops would be, but generally they were placed just past the intersections, which would be just east of Tucson Boulevard, but there was no space there. She said there was space west of Tucson Boulevard when heading westbound and she asked if a



bus pull out would be located there so traffic was not backed up behind busses that were stopped.

Mr. Glock said they would be looking at trying to accommodate bus pullouts at every bus stop along the corridor. He said they did have considerable traffic flow benefits, and made the intersections more pedestrian friendly.

Council Member Trasoff restated that when land acquisitions were being looked at, sufficient land for bus pullouts would be included wherever there were bus stops.

Mr. Glock responded affirmatively.

Mayor Walkup asked if there were further discussions. He remarked that he sat on the RTA Board, and he could say absolutely and categorically, the Board would view this with great enthusiasm. He said he spoke with Council Member Leal about the importance of proceeding with the 22<sup>nd</sup> Street project, which had been a continuing project for a few years. He said the RTA board would view their actions with great enthusiasm. If there was an opportunity to move it forward, that was exactly what they were prepared to do.

Council Member Leal thanked Mayor Walkup and thanked Council Member Trasoff for bringing up the interface and said, as Mr. Glock mentioned, it would be formally discussed in the next step. Council Member Leal said he had conversations with the Pima County Administrator, the City Manager, and Mr. Glock about making sure, for the exact reasons Council Member Trasoff mentioned, that the western section be done now, because it would bring a great relief to downtown.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 21153.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Resolution 21153 was declared passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: ALTERNATIVE ALIGNMENT REPORT FOR THE KINO PARKWAY AND 22ND STREET OVERPASS PROJECT AND ACQUISITION OF REAL PROPERTY LOCATED ALONG 22ND STREET**

Mayor Walkup announced City Manager's communication number 628, dated November 18, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Alternative Alignment Report for the Kino Parkway and 22<sup>nd</sup> Street Overpass Project.

Mayor Walkup stated before the public hearing would begin, staff would make a brief presentation.

Jim Glock, Transportation Department Director, asked for the Council's indulgence for having two public hearings for what seemed to be one coterminous project. He said as a result of the ten million-dollar allocation from the Pima County 1997 bond funds, the City of Tucson was able to get a jump start on the Kino Overpass Project and actually began it in late 2005. The Citizen Advisory Committee for that project was established in early 2006, prior to the Regional Transportation Authority (RTA) election and it was considered appropriate to deal with these two elements separately. He noted the improvements would include a new grade interchange with Kino Boulevard over 22<sup>nd</sup> Street and widening 22<sup>nd</sup> Street underneath the Kino Intersection. He stated, to date, as with the other project, there had been three open houses, seven Technical Advisory Committee meetings, nineteen Citizen Advisory Committee meetings, six neighborhood meetings, thirty-six property owner meetings, and one real estate forum. He said they followed the process stipulated in the Mayor and Council Roadway Development Policy to prepare the Alternative Alignment Report. The report contained the recommended alternative that was endorsed unanimously by the Technical Advisory Committee and by a majority of the Citizen Advisory Committee. He said it should be noted that there was a letter of support from the Citizen Advisory Committee and a minority report was contained in the Alternative Alignment Report. The recommended interchange, a Single Point Urban Interchange, minimized the right of way impacts and offered the best traffic circulation during and after construction. The consideration for traffic circulation to and from the commercial and industrial neighborhoods, and those northeast, northwest, southeast and southwest of the interchange were factored into the interchange decision, but by no means were those circulation issues totally resolved. He said in the next phase of the project, those issues would be addressed.

Mr. Glock said the next step would be to prepare an Environmental Design Mitigation Report before moving forward into final design. The report would detail lane widths, landscaping and buffering treatments and would identify any additional right of way needs not presently contemplated in the conceptual level of the recommended alignment. He said most importantly, the final circulation recommendation would be addressed in this phase, and again, with the approval of this alignment and Mayor and Council adoption of the authority to acquire specific properties, RTA funds for advanced property acquisition would be sought. Since timing for the property acquisition could

create a hardship for some of the property owners, the advanced acquisition program could help those owners. He said construction was anticipated to start in the summer of 2010 for the interchange.

Mayor Walkup said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He called the first speaker.

Les Pierce said she was a bike commuter of many years and miles. One thing she was excited about in regards to the project was the consideration given to bicycle safety on the Kino Boulevard/22<sup>nd</sup> Street overpass and the possibility of pedestrian safety pathways that would run parallel to the off/on ramps. She said, echoing the theme discussed earlier about El Tour de Tucson and a bicycle friendly community, she thought the project would really improve safety for bicyclists who wanted to ride from midtown to the south side, especially with the University of Arizona's proposed Science and Technical Park at Kino Boulevard and 36<sup>th</sup> Street; it would really improve circulation there. She said she was also excited about the improved circulation between the four quadrants, which would help get people between neighborhoods and also help some of the local businesses in the area.

Mayor Walkup asked if there was anyone else wishing to be heard on this item.

There was no one.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21154 by number and title only.

Resolution No. 21154 relating to transportation; approving the Alternative Alignment Report for Kino Parkway/22<sup>nd</sup> Street Overpass Project; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property necessary for the project; and declaring an emergency.

Mayor Walkup recognized Council Member Leal.

Council Member Leal asked Mr. Glock to go over the Minority Report that he did not see in their materials.

Mr. Glock said the Minority Report expressed an interest and desire to have a traffic signal placed at 22<sup>nd</sup> Street and Santa Rita Avenue, which was half way between Park Avenue and Kino Boulevard. From a technical perspective, and from the perspective of a majority of the Citizen Advisory Committee, a signal at that spacing would really negate the east/west mobility function they were trying to enhance with respect to 22<sup>nd</sup> Street, as they balanced all the competing needs.

Council Member Leal said it was important that the audience in attendance, and the public on television, understood the issue of lights being too close to each other and how badly it aggravated air pollution. The only responsible way to address the issue was how Mr. Glock did. He said when people looked at the graphic, it appeared simple and looked as though the computer just plopped it down on the map. What the public needed to understand was that there were a series of options that attempted to do the same thing and this was infinitely superior to the other options that were looked at.

Council Member Leal said secondly, as Mr. Glock spoke about mitigation that would happen later, he wanted the public to know that on a number of occasions, not just in that area, but with other western areas, there were a number of Saturdays that staff spent driving around pointing out issues. There was a lot of creativity, a lot of minutia, and the public needed to have some comfort knowing there was a lot of detail and imagination that the people involved in this project brought to bear on how to understand that mitigation and were not just letting it rip. He said it was going to be good, and he had a great deal of optimism about his experience and time with City staff spent on the project. None of it was going to stop. The relationship was going to continue building even after the dirt began to be shoveled. He was very happy about the project and said it would be good for all of the community.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 21154.

Mayor Walkup asked if there was further discussion.

Council Member Trasoff said the new map was very helpful, because her question involved bike lanes and multi-purpose paths. She asked Mr. Glock if there was a continuous bike lane on the overpass, as well as the multipurpose path that would exit on the ground level, and then would hook up and go down on both sides of Kino Boulevard.

Mr. Glock answered affirmatively.

Council Member Trasoff said that was what she needed to know.

Mayor Walkup asked if there was any further discussion.

There was none.

Mayor Walkup said, before the vote, he wanted to tell the Council, particularly Council Member Leal, what a wonderful day it was. This project had been looked at for twenty years and there had been a lot of driving around pointing at things, and the Mayor and Council were finally voting on it. Everyone recognized that with this kind of an implementation on 22nd Street, it was an extraordinary advancement in how people would move through the community, especially heading from the north going south, from Broadway Boulevard to I-10, especially with managing the lights properly and in an intelligent way. It was an extraordinary thing everyone did, particularly their perseverance with the Council, to make this project happen for all of the community.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Resolution 21154 was declared passed and adopted by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: *KINO AREA PLAN* AMENDMENT (PA-07-06); CAMPBELL AVENUE AND DREXEL ROAD – COMMERCIAL, OFFICE AND/OR RESIDENTIAL USES**

Mayor Walkup announced City Manager's communication number 620, dated November 18, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on an amendment to the *Kino Area Plan* to allow commercial or office uses. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item.

There was no one.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21143 by number and title only.

Resolution No. 21143 relating to planning and zoning: amending the *Kino Area Plan*; and declaring an emergency.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 21143.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Resolution 21143 was declared passed and adopted by a roll call vote of 7 to 0.

**11. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE AT MIDTOWN BAR & GRILL, 4915 EAST SPEEDWAY BOULEVARD**

Mayor Walkup announced City Manager's communication number 626, dated November 18, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a new off-track betting site at Midtown Bar and Grill. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item.

Elizabeth Mead said she lived in the Ward 6 neighborhood and was a small business owner in the 4<sup>th</sup> Avenue district. In May, she approached the Mayor and Council regarding greyhound racing. Dog racing was a profit-driven industry. There were no taxes on para-mutual wagering and no revenue benefit to allow off-track betting to proliferate in the City of Tucson. She asked that the discussion be postponed to allow time for the neighborhood's input in this matter because their neighborhood association met only once a month or less. Midtown Grill had their grand opening on October 24, 2008, which did not allow adequate time to gain the approval of the neighborhood. She said when she spoke to members of the same neighborhood earlier that year, the members did not want gambling in their neighborhood. Property owners like stakeholder Jenny Boyles and Jay Sutherland, who also lived in the neighborhood, and whom she spoke to the same evening as the public hearing, said they had no idea that was happening. She said Tucson Greyhound Park was plagued by controversy and was known to bite the paw that fed them, as well as out-of-state owners.

Ms. Mead said, regarding the tax issue, and as a business owner, the revenue issues were important to her. As a small business owner, she did not receive the tax benefits that they received. She said they should pay taxes like she does and her revenues were nowhere near 4.9 million dollars. The City of Tucson would be borrowing troubles from Tucson Greyhound Park. The neighborhood should know what they were getting into. She asked the Council to at least postpone the decision until they could be informed. She did not know why there was such an emergency and why it needed to be done right away. She said she spoke on behalf of her neighbors and said it would be nice if they knew what was going on. She said she heard about the public hearing at noon that

day, and there were a lot of people in the neighborhood who would like some input on the subject.

Lori Riegel said she lived in Ward 6 in the Mitman Neighborhood, and was the Education Director at Temple Emanuel. She said she also worked with corporate sponsorships with the Jewish Federation of Southern Arizona, helped with staffing the Jewish Chamber of Commerce and provided clergy services to Handmaker, Jewish Services for the Aging. In the Jewish community, children were taught the concept of *Tza'ar Ba'alei Chayim*, which meant kindness to animals. She said how animals were treated was reflective of people as a society and reflective of how people were treated. She said she was raising a child in Ward 6 and was appalled that there would be gambling in her back yard. She commented that perhaps she would need to move to a different Ward, because as a parent and educator, she did not want gambling so close to where she lived, so near a park and so close to two schools.

Ms. Riegel said they visited the Mayor and Council on May 28, 2008, for the exact same issue on the same establishment which was then called Oliver Twist. It was the same location only with a different name. She said notifications were promised, but they were clearly not notified. She said the neighborhood just found out about the public hearing by accident that day. She urged the Mayor and Council not to close on the issue that night, to allow adequate research, public input from the neighborhood, and to allow the people in the Ward more of a public hearing. She said if it was passed that evening, she would go speak to the Tucson Board of Rabbis, to the Temple Emanuel Social Action Committee, Jewish Community Relations Council, the Jewish Community Foundation, and the residents of Handmaker, who voted, to urge them to speak out about their outrage towards gambling in their neighborhood. Again, she urged the Mayor and Council not to close on the issue, and to allow more of a public hearing.

Karyn Zoldan said she lived in Ward 6 and had a Tucson Greyhound Park (TGP) injury report dated January 15, 2008, that she wanted to read to the Council. She read that there were twenty different ways Greyhounds could be injured, such as: a broken hock, dropped muscle, broken toe, split web, broken ankle, broken stopper bone, broken stifle bone, torn ligament, broken foot, broken leg, spiked sprained ligament, sprained hock, broken tail, twisted back, displaced hock, muscle tear, pulled muscle, sprained ankle, expired, euthanized, and the twenty first way was "other." The locations of injury on dogs were: head, spine, left rear, right rear, left front, right front, tail, and other. Time of injury included pre-race, during race, post race, within twenty-four hours, after twenty-four hours, and schooling. The report also stated a particular dog, named TNJKK, was expired or euthanized. The location of her injury was "other" and the time of injury was during the race. She said that was what Tucson Greyhound Park called "family entertainment."

Ms. Zoldan said off-track betting allowed wagering on greyhound and horse races at off-track venues such as bars and restaurants. Better placed bets at sites that were licensed by the Arizona Department of Racing, thereby eliminating the need to go to the track. Tucson Greyhound Park's eight local off-track betting sites only received a small

percentage of the wagering handle, but Tucson Greyhound Park reaped the “lion’s share.” In 2007, Tucson Greyhound Park’s off-track wagering handle totaled 15.5 million dollars. The bulk of Tucson Greyhound Park’s revenue came from off-track betting venues and simulcasts of dog and horse races from other tracks around the Country. Tucson Greyhound Park had not paid taxes on off-track betting or any para-mutual taxes to the State of Arizona since 1996, thanks to the hardship tax credit for Arizona dog and horse tracks that was passed by the legislature in 1994. She said she believed by allowing the Midtown Bar and Grill to become an off-track betting venue, the City Council would add to Tucson Greyhound Park’s bottom line, to the increased detriment of the City of Tucson and the State of Arizona.

Ms. Zoldan said it should also be noted that the Arizona Department of Racing investigated Tucson Greyhound Park for numerous violations of missing greyhounds, failure to maintain a safe racing surface that caused an untold number of greyhounds to break their legs, drug use by Tucson Greyhound Park personnel, and many more incidents too numerous to recount. The only people who benefited from dog racing in Tucson were the out-of-state owners who owned the track and grossed more than 59.1 million dollars since the tax credit went into effect. She said Arizona could use some of that money about now. She noted commercial dog racing was illegal in thirty-five states and in five other states all dog tracks were closed, but a prohibitory statute had yet to be enacted.

Ms. Zoldan said the State of Massachusetts just voted to ban greyhound racing by 2010. The good people of South Tucson voted “yes” on Proposition 401, Tucson Dog Protection, to make three modest improvements to Tucson Greyhound Park, which hopefully would be implemented without protest as soon as possible. She stated Greyhound racing was a dying sport and the City of Tucson should not contribute further to the cruelty of those wonderful dogs and asked for an extension in the matter. She said, with all due respect to the restaurant owners of Midtown Bar and Grill, there were a lot of hungry diners looking for good burgers and beer, and she, along with a lot of other people who were against greyhound cruelty, would not patronize a venue that promoted such activity.

James Massey said he lived in Ward 2 and was the Volunteer Office Manager of Tucson Dog Protection. He was also asking for a postponement of the decision for other reasons. He said the smallest reason was that they had only found out about the public hearing on the same day and their officers could not attend. The main reason was that they wanted to see if the track would comply with Proposition 401 which just passed. Tucsonans loved their dogs and certainly did not condone abuse of dogs and now it was known that South Tucson voters also felt that way. He said he was not sure the track wanted to comply with it, and would like a few months to see if they would comply.

Mr. Massey said Proposition 401 had three measures. One measure prohibited feeding raw, diseased meat to the dogs. He repeated, raw diseased meat. The track could have easily cooked the meat or bought kibble. Proposition 401 also prohibited keeping dogs in crates for twenty-two to twenty-three hours a day, as was the current fashion; it



was limited to eighteen hours a day. He said the steroid issue was very complex. It prohibited the use of steroids to prevent estrus, which was done on a long term basis. One hundred three Tucson area veterinarians endorsed Proposition 401; only two veterinarians came out against the Proposition, and both of those veterinarians worked for the track. He said they also wanted to wait for the findings from the investigations being conducted by the Arizona Department of Racing and the Arizona State Veterinarians Medical Examining Board. They currently were investigating possible criminal misuse of steroids along with ethical violations by the track veterinarians. They received a communication from the Chief Greyhound Veterinarian for the State, which stated that steroids, a federally controlled substance, were sometimes smuggled across the border and administered to the dogs by non-licensed, untrained personnel in unknown amounts. Needles with syringes were not allowed at the track, unless used by veterinarians. Mr. Massey said the veterinarians had said they were not the ones administering the steroids, except in rare cases, and yet, the track manager called the use of steroids a "deal breaker," he was so used to them. So, there were illegal substances brought illegally over the border and administered by unlicensed, untrained personnel, for which records were not kept. Also, veterinarians of the track knew if the dogs would be going into heat or if hundreds were not, and were required to report that information, which they did not. He said for those reasons, to see if the track would make a good faith effort to comply, if the Department of Racing would resolve it one way or another, and if the Arizona State Veterinarians Medical Examining Board would decide that something needed be done about the issue.

Dona LaSchiava said she wanted to repeat what the previous dog lovers had asked of the Mayor and Council. She was a member of Tucson Dog Protection, as well as being a passionate animal welfare advocate. She was requesting the Mayor and Council postpone the request for various reasons. One reason was that she had just learned that evening that the community had a problem with the application being approved, and if she lived in their community, she would want to be able to voice her opinion on whether or not she desired a business of that nature in her neighborhood. Secondly, as Mr. Massey stated, it remained to be seen whether the track would in fact comply with Proposition 401. She said there should be some time allowed to pass, to make sure the track was in compliance before they should be approved for any further applications, again, to make sure the track was complying. Also, it was her understanding from researching and being associated with the Tucson Dog Protection organization, that there was an investigation under way regarding the issues Mr. Massey specified. She said, as a responsible governing member of any community, she felt she would not issue any further applications for the preponderance of possible heinous activities that went on and until Tucson Greyhound Park could be proved innocent, they should not be approved for any further activities in this regard.

Lisa Hoffman said she lived in the Pinecrest Neighborhood, within a hundred feet of Midtown Bar and Grill in Ward 6, and mentioned she was accompanied by her husband and her neighbor, Shirley, from down the street. She said they all had other things they would rather be doing that evening, but they were at the Mayor and Council meeting because it was an important issue. They were all long time residents of the

neighborhood and she was raising a family and cared what went on and knew what apathy could bring. She said since Mayor and Council already had their letters that were previously submitted; she would not go into all the details concerning the history of the property along with all the issues relating to it.

Ms. Hoffman said, every time a business at that same location expanded beyond being a restaurant and serving liquor, they saw detrimental effects to the surrounding business and residential neighborhood. The worst of these was the business called Twenty Grand, which expanded to be a dance club when it could not survive as a restaurant. It was closed down after a long neighborhood-spearheaded investigation with the City Attorney's Office and now they faced a similar issue with Midtown Bar and Grill. She said there were several negatives that could come about as a result of approving the application. The most important reason, to herself and other neighbors, would be decreased property values due to the negative perception associated with gambling. She said just that last week, she met with the bar owner and Mr. Taylor, the General Manager of Tucson Greyhound Park. She said they agreed that a normal person might have a negative perception if shopping for a house in that neighborhood, and that shoppers might look elsewhere, but that was not something they could change. She said it also encouraged gambling in their neighborhood, which would be exacerbated as a result of closures of other off-track betting locations, which would then bring more people from other areas, making their neighborhood a gambling hub.

Ms. Hoffman said there were also possibilities for increased property and violent crime. She said they previously submitted a map which showed locations that had potential for increased drunk driving, especially during the day, and showed locations supporting an industry that was cruel to animals. She said the neighborhood wanted a thriving business in that location, as they had seen it vacant and realized the outcome of that circumstance as well. She said she believed the business could be an asset to the neighborhood instead of a detriment. Off-track betting was not something she was willing to gamble on and she believed there was a reason Tucson did not have slot machines everywhere, which were not legal, and she did not see a difference between that and what was being proposed in this case. It seemed that off-track betting was a loophole to bail out a failing greyhound and horse racing industry at the expense of the citizens, and that gave gambling a foothold toward future expansions. It took from the many and benefited only a few, as racing revenues were not taxed by the State of Arizona. She said vice spending seemed to increase during times of economic hardship when people could afford it the least, and it was a negative impact on families and the community as a whole.

Ms. Hoffman said she represented the neighborhood and those neighbors who were unable to attend, and requested that it not be postponed again, because it was the second time it was brought forth for that establishment. Both times were for Midtown Bar and Grill, the first time was before it was purchased. She said they wrote letters, canvassed the three hundred-foot distance north of Speedway Boulevard, met with the manager, and they would actually like to see it over.

Cary Tom Taylor, CEO of Tucson Greyhound Park, said they had been in business for sixty-four years and off-track betting had been in Tucson since 1990. He said Tucson Greyhound Park generated over forty thousand dollars in sales tax last year for the City of Tucson. Off-track betting gave the bar owner more revenue generation for food and beverage. Mr. Taylor said it was like having a pool table, because it was an electronic device customers used for betting, and they had also installed twenty-seven different big screen televisions for the gamblers to bet with. He said the gamblers were between the ages of forty-five and sixty-five, middle class to professionals, and came to the off-track betting sites and restaurants in the mornings and throughout the day. It spread the bar's business throughout the day, rather than being only at lunch, or only at dinner. The gamblers would drink but did not get drunk because that would cause them to lose when they gambled, and those gamblers studied and spent a lot of time at that. He said Frank and Marsha Silverman, the owners of the new bar, operated an off-track betting site at the Old Father Inn for many years and were aware of what that type of establishment did for the community and for his bar. Without Frank Silverman asking to do this, they would not be at the Mayor and Council meeting. Mr. Silverman was a good operator and was aware of what it could do to help his business and had provided every indication that the business would not survive without the off-track betting. It did not have enough business to do that and Mr. Taylor said Tucson Greyhound Park was there to help him and to help the community by concentrating their efforts at that location.

Mr. Taylor explained that four full time employees would be employed by the track at that location. Employment was needed, and so was more sales tax revenue. He said like the Mayor and Council promoted shopping locally, they would bring sales tax to the area. The para-mutual tax was paid on sales tax and they paid forty thousand dollars last year to the City of Tucson in gambling tax based on the wagers. Mr. Taylor said revenues were not received from food and beverage, the bar and grill received those revenues. He then repeated that they paid forty thousand dollars last year to the City of Tucson. He said he would gladly answer any other questions the Council had.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing none, he asked for a motion.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21149 by number and title only.

Resolution No. 21149 relating to off-track betting facilities; approving Midtown Bar & Grill, 4915 East Speedway Boulevard, Tucson, Arizona, as an off-track betting site for horse and dog racing for the Tucson Greyhound Park; and declaring an emergency.

Mayor Walkup recognized Council Member Trasoff.

Council Member Trasoff said it was not easy, but she wanted to say a couple of things. The City Clerk's Office sent notices postmarked on October 14, 2008, to ten neighborhood associations in the area. The notices were sent to every household within three hundred feet of the restaurant, and only five or six notices came back undelivered. She said they were mailed to every single address and all postmarked October 14, 2008. That was the formal notification required for the public to have an opportunity to express their views. Council Member Trasoff said she heard nothing from anybody until a few days ago and understood the speakers' passion. However, the problem was that it was not a forum on Tucson Greyhound Park, or a forum on dog racing, it was a request from a local business owner to help his business survive. Council Member Trasoff asked the City Attorney if this was an agreement with Mr. Silverman or an agreement with Tucson Greyhound Park.

Michael Rankin, City Attorney, replied that he would not characterize it as an agreement with anyone. Under the Arizona Revised Statutes referenced in the resolution, prior to having approval to have off-track betting, there had to be approval by the local governing body by way of a resolution. He said it was an off-track betting for that particular identified address - 4915 East Speedway.

Council Member Trasoff asked if Mr. Rankin could also address whether there was history with the other six locations of off-track betting within the City of Tucson. She asked if there had been any history or any track record of either increases in problems or ongoing problems once off-track betting went in.

Mr. Rankin replied that he did not know if he could answer that definitively. He said he did not know of all incidents in the Tucson area, but he could say there had not come to his attention any particular incidents or history of nuisances related specifically to the activity of off-track betting.

Council Member Trasoff said she understood all the concerns everyone raised, and one of the big differences was that slot machines were illegal and dog racing was legal, whether they liked it or not. She said personally, she did not like dog racing, and was opposed to greyhound racing. The question before the Mayor and Council was not about greyhound racing, it was whether a small business could engage in what was still, like it or not, a legal enterprise. Council Member Trasoff said a lot of the issues were raised about Tucson Greyhound Park. However, the jurisdiction was not in Tucson City limits; it was located in the City of South Tucson and they would have to see what they chose to do. She said staff determined that the business owner was in compliance with the law, and to deny him the license would not be based on any legal issue, it would be based on her personal view of greyhound racing. The owner made some concessions to the neighbors in terms of operations and the outside music. Council Member Trasoff asked Mr. Silverman if he agreed. She said it would make a better place than before in terms of the neighbors, and she expected Mr. Silverman to stick with that position. She said Mr. Silverman had a very good background from when he owned the Old Father Inn, and operated an off-track betting site there. There were no major problems and he was a highly reputable businessperson.

Council Member Trasoff said, before she made a motion, she had one request of the City Manager. She asked if he could put an agenda item on a Study Session within the next sixty days to discuss off-track betting within City limits. Council Member Trasoff said she did not like being put in this position with very little guidelines when, for example, liquor license applications had specific things they needed to review and a list of criteria. She questioned why criteria could not be developed regarding whether the City could accept off-track betting in the future, or whether the Council could make a statement that there would be no more off-track betting, or make a decision that off-track betting would not be tolerated within the City, and stop all of them. Council Member Trasoff repeated that she would like to have a Study Session within the next sixty days if that was reasonable. She asked the City Attorney if that was a fair amount of time to schedule a discussion. She said several of her colleagues agreed with her and did not like greyhound racing and its circumstances. She confirmed the fact was, until there could be a Study Session to take some other action, it was legal within the City limits of Tucson to have off-track betting.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 21149.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff,  
and Mayor Walkup

Nay: Vice Mayor Uhlich

Resolution 21149 was declared passed and adopted by a roll call vote of 6 to 1.

(NOTE: Council Member Glassman departed at 7:37 p.m.)

**12. ZONING: (C9-07-20) JVBM PROPERTIES – VALENCIA ROAD, SH TO C-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 616, dated November 18, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10602 by number and title only.

Ordinance No. 10602 relating to zoning; amending zoning district boundaries in the area located at the southwest corner of West Valencia Road and Valley Indian Agency Connect Road in Case C9-07-20, JVBM Properties – Valencia Road, SH to C-2; and setting an effective date.

Council Member Romero said she wanted to comment on a couple things before she made a motion. She said the project had been an excellent example of collaboration between JVBM Properties, Larson Baker, the owners and developers of the project, and the City of Tucson. The project was designed to enhance the area and to provide people-friendly spaces, while being conservation-minded. The company had a good dialog with Midvale Park Neighborhood. Some of the features she was happy with were one canopy tree for every four parking places and the shaded areas for pedestrians with trees that were no further than twenty-five feet apart along walking areas, which encouraged pedestrian friendliness. She said there were also two walkways that connected Valencia Road to the retail pads which were very important for the neighborhood, as it enabled pedestrians to walk from the neighborhood to the commercial space, and made it very friendly and safe. Also, all new landscaping would be native desert plants, and water harvesting was well-integrated into the design. All these things the company worked on closely with Midvale Park Neighborhood Association and with the Ward 1 Council Office.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10602.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Scott, Leal, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Glassman

Ordinance 10602 was declared passed and adopted by a roll call vote of 6 to 0.

**13. ZONING: (SE-08-21) CRICKET AT MCGRAW'S – HOUGHTON ROAD, SR ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 617, dated November 18, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10604 by number and title only.

Ordinance No. 10604 relating to zoning; a special exception land use – wireless communication facility – Cricket at McGraw's – Houghton Road – 1,450 feet south of Escalante Road; approving with conditions the construction of a wireless communications facility inside an artificial saguaro in the SR zone – Case SE-08-21; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10604.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Scott, Leal, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Glassman

Ordinance 10604 was declared passed and adopted by a roll call vote of 6 to 0.

#### **14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 608, dated November 18, 2008, was received into and made a part of the record.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Leal announced his personal appointment of Luis Gutierrez to the Independent Audit and Performance Commission.

Council Member Leal announced that Council Member Romero and himself would be serving on the Tucson/South Tucson Enterprise Zone Commission Regional Transportation Authority.

**15. ADJOURNMENT: 7:42 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 25, 2008, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 18th day of November 2008, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ccs:jr